

## **November 10, 2022 – EMPIRE VILLAGE COUNCIL REGULAR MEETING**

President Davis called the Regular Meeting to order and led the Pledge of Allegiance at 7:00 p.m. at the Empire Township Hall. Upon a roll call, Council members Bacon, Barr, Chase, Davis, Dye, Palmer and Rademacher were present. Clerk Smith was also present.

**CHANGES/ADDITIONS TO AGENDA** – Bacon added Redevelopment Ready Fellow under New Business. Palmer added Sign Ordinance opinion under Old Business. Davis moved the Water Presentation and Comments to follow Adoption of Agenda.

**ADOPTION OF AGENDA - Motion by Bacon, support by Dye to approve the agenda as amended. Upon a voice vote, MOTION PASSED.**

**PRESENTATION** – Gosling Czubak: Water System Reliability Study & General Plan and Asset Management Plan – Tim Korson and Mark Hurley reviewed the questions submitted by Council members. Highlights included the fact that data used for mining and analysis in the computer model was submitted more than a year ago and new data would require the process be started again from the beginning; updates to maintenance completed will be added to the report; final CIP approved will be included; EGLE has requested the Asset Management Plan; water quality of all wells is high and does not contribute to deterioration, and maintenance is regularly performed so standard recommendations on useful life of wells may not apply; difference between water flow and billed is considered water loss (ideal is not more than 10%), system breaks/leaks may contribute to this loss; service line inventory required by the State is due in Jan 2025 and does not need to be included in this report if the Village is completing such in-house; it was noted that there are service lines whose composition is unknown and those specifics will be required for this inventory; several adjustments will be made for readability of the report; rate study is recommended every 5 years and the Council has agreed to review annually.

**PUBLIC COMMENT ON PRESENTATION** – None.

**PUBLIC COMMENT ON AGENDA ITEMS** – Karen Baja thanked outgoing officials and congratulated newly elected officials. She commented on an employee position and the Clerk and Treasurer positions.

**CONSENT AGENDA – Motion by Bacon, support by Rademacher to approve the minutes of the October 25, 2022, Regular Meeting, and the October bills totaling \$ 9,176.02. ROLL CALL: Ayes: Bacon, Barr, Chase, Davis, Dye, Palmer, Rademacher. Nays: None. MOTION PASSED.**

**REVIEW OF FINANCIAL STATEMENTS** – Revenue & Expenditures report was received.

**COMMUNICATIONS** – Bacon read letter from Mary Sharry regarding Zoning Administrator position.

**DEPARTMENT HEAD REPORTS** – None.

**COUNCIL MEMBER /COMMITTEE REPORTS** – Palmer reviewed Airport Commission report. Chase reviewed Personnel Committee meeting minutes. All were included in packet online.

## OLD BUSINESS

MASS GATHERING ORDINANCE NO. 119 – Bacon reviewed the questions from Council sent to the Planning Commission. Their recommendations were detailed and included in packet. **Motion by Palmer, support by Dye to approve the Mass Gathering Ordinance No. 119 with the change recommended by Webb from “private residence to private property”.** ROLL CALL: Ayes: Bacon, Barr, Chase, Davis, Dye, Palmer, Rademacher. Nays: None. **MOTION PASSED.**

SIGN ORDINANCE – **Motion by Palmer, supported by Bacon to waive the Attorney Client Privilege on the Attorney opinion regarding Signs so it may be publicly discussed. Upon a voice vote, MOTION PASSED.** There was discussion of the questions asked of the attorney and the need to avoid public discussion of legal opinions before Attorney Client privilege is waived.

## NEW BUSINESS

ZONING ADMINISTRATOR JOB DESCRIPTION, COMPENSATION FOR CURRENT ZONING DUTIES – **Motion by Palmer, support by Barr to send the Zoning Administrator Job Description to the Personnel Committee for modification with comments from Council to be submitted by November 18. Upon a voice vote, MOTION PASSED.**

**Motion by Palmer, support by Barr to advertise the Zoning Administrator position using the policy revised in 2008, in the Leelanau Enterprise, Benzie Patriot and Record Eagle not to exceed \$700.** Discussion included notifying local communities that are also using a part-time ZA of this vacancy. It will be posted on the kiosk locally. **ROLL CALL: Ayes: Bacon, Barr, Chase, Davis, Dye, Palmer, Rademacher. MOTION PASSED.**

**Motion by Bacon, support by Barr to compensate Alacia Acton for temporary ZA duties, an annual salary of \$8,750, to be paid bi-weekly and retroactive to October 4, 2022. ROLL CALL: Ayes: Bacon, Barr, Chase, Davis, Dye, Palmer, Rademacher. MOTION PASSED.**

APPOINTMENT OF VILLAGE TREASURER – Davis reported that Treasurer Schultz notified him on the previous evening that she was not interested in reappointment but would assist Alacia with any questions. Davis nominated Alacia Acton as Village Treasurer and asked the Council to confirm the appointment. **Motion by Bacon, support by Rademacher to confirm the appointment of Alacia Acton as Village Treasurer with an annual salary of \$9K, based on 5 hrs. a week and the current hourly rate for Deputy Clerk/Office Administrator for 35 hrs. a week.** Concern about a conflict of interest was discussed and it was noted that a local municipality had posted a Treasurer/Deputy Clerk as one position. It was noted that the Employee position would continue to report to the Clerk and the Appointed Officer (Treasurer) would report to the Council. Concern was expressed about discussing changes to job descriptions without sending to the Personnel Committee and assigning additional duties to current employees. **ROLL CALL: Ayes: Barr, Chase, Davis, Rademacher. Nays: Bacon, Dye, Palmer. MOTION PASSED.**

APPOINTMENT OF VILLAGE CLERK – Davis nominated Smith for reappointment as Clerk and asked the Council for a motion to confirm. **Motion by Chase, support by Rademacher to confirm the appointment of Derith Smith as Village Clerk. ROLL CALL: Ayes: Bacon, Barr, Chase, Davis, Dye, Palmer, Rademacher. Nays: None. MOTION PASSED.**

REDEVELOPMENT READY FELLOW – Bacon described an opportunity for the Village to apply for this position and the progress made thus far towards becoming Redevelopment Ready.

**Motion by Bacon, support by Rademacher to approve up to \$10K to complete the application by Dec. 7, 2022, deadline with a project to be a Parks and Rec Plan update.**

Discussion included the lack of familiarity with all the materials and the number of unknowns at this time. **ROLL CALL: Ayes: Bacon. Nays: Barr, Chase, Davis, Dye, Palmer, Rademacher. MOTION DEFEATED.**

**Motion by Palmer, support by Rademacher to distribute the documentation to the Council and schedule a Special Meeting at 7p.m. on Tuesday, Nov. 15, 2022, if the Township Hall is available. ROLL CALL: Ayes: Bacon, Barr, Chase, Davis, Dye, Palmer, Rademacher.**

**Nays: None. MOTION PASSED.**

**PUBLIC COMMENT** – Rod Barnes, a resident and retired HR professional, offered his services to assist with Personnel issues.

**COUNCIL MEMBER COMMENT** – Barr commented on the public's freedom to film or record any public official as a right that cannot be refused. Bacon thanked both Dan and Sam for their service and dedication to the community. Rademacher thanked Dan and Sam for their service. Palmer thanked both Dan and Sam for their years of service. Dye agreed with all that has been said. Chase provided clarification of information regarding the Zoning Administrator and Planner that has been provided to the Village.

**ADJOURNMENT** at 8:45 p.m.

Derith Smith

Empire Village Clerk

*These minutes were approved at the December 8, 2022 Regular Council meeting.*